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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Honorable Slade Gorton  
United States Senate  
730 Hart Senate Office Building  
Washington, D.C. 20510-4704

Dear Senator Gorton:

Thank you for your letter on behalf of Chase Riveland, Secretary for the State of Washington's Department of Corrections in Olympia, Washington, regarding the Commission's billed party preference proposal. Billed party preference is the term used to describe a proposal to change the way local telephone companies handle certain operator service calls.

Currently, if a caller places a "0+" operator services call (that is, the caller dials "0" and then a long-distance telephone number, without first dialing a carrier access code, such as 10-ATT), the call is carried by the operator services provider presubscribed to the telephone line from which the call originated. The presubscribed carrier for public payphones is chosen by the payphone owner or the owner of the premises on which the payphone is located. Operator service providers compete for payphone presubscription contracts by offering significant commissions to premises owners on long-distance traffic and then including those commission costs in their own rates to consumers.

In April 1992, the Commission adopted a Notice of Proposed Rulemaking to consider whether the current presubscription system should be replaced by a billed party preference methodology. Under billed party preference, all 0+ calls would be handled automatically by the carrier predesignated by the party paying for the call. For example, a credit card call would be handled by the carrier that issued the card. A collect call would be handled by the carrier presubscribed to the called line.

Because billed party preference would replace the current presubscription system for operator services calls, operator service providers would no longer be likely to pay significant commissions to premises owners for presubscription contracts. In addition, billed party preference could make operator services much more user friendly for the calling public. In particular, it would allow callers to place their operator services calls without dialing access codes, while ensuring that the party paying for each call -- as opposed to the payphone or premises owner -- would determine the operator service provider to carry it.

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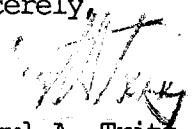
Honorable Slade Gorton

2.

Because of these and other benefits that potentially could be offered by billed party preference, the Commission tentatively concluded in its Notice of Proposed Rulemaking that billed party preference is, in concept, in the public interest. At the same time, the Commission sought detailed information and comment on a comprehensive range of issues relating to this proposal.

The Commission has thus far received extensive comment on the billed party preference proposal. Let me assure you that the Commission will carefully consider all of the ramifications of this important proposal before taking final action on it. We will incorporate your letter and enclosure in the record of this proceeding so that it may be accorded proper consideration by Commission staff. The enclosure to your letter is returned as requested.

Sincerely,



Cheryl A. Tritt  
Chief, Common Carrier Bureau

United States Senate

WASHINGTON, D.C. 20510

September 16, 1992

Congressional Affairs Office  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Congressional Liaison:

I have been asked by a constituent to assist in the matter described in the enclosed correspondence. I am referring this inquiry to you for your consideration.

Please provide the necessary information in duplicate and return the enclosures. Your correspondence should be sent to my Washington D.C. office.

Thank you for your prompt attention to this matter.

Sincerely,



Slade Gorton  
United States Senator

SG/raw  
Enclosure

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CONGRESSIONAL AFFAIRS OFFICE

back file



CHASE RIVELAND  
Secretary

STATE OF WASHINGTON

**DEPARTMENT OF CORRECTIONS**

P.O. Box 41101 • Olympia, Washington 98504-1101 • TEL (206) 753-1573  
FAX Number (206) 586-3676 SCAN 321-3676

August 21, 1992

The Honorable Slade Gorton  
United States Senate  
730 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Slade Gorton:

Re: Federal Communications Commission "Billed Party  
Preference" (BPP): cc Docket No. 92-77

The Federal Communications Commission will be promulgating rules on a Billed Party Preference proposal to change the way long distance carriers are selected on collect calls from prison. As presently drafted, it is expected that the Billed Party Preference proposal would eliminate private industry's ability to provide offender telephone service.

Currently, the Washington State Department of Corrections offender telephone providers supply approximately 600 telephones at 14 prisons, two pre-release facilities, and 14 work/training release facilities. Offenders cannot originate sent-paid calls, nor can they receive telephone calls. State law mandates that "All personal calls made by offenders shall be collect calls only. The operator shall notify the receiver of the call that the call is coming from a prison offender, and that it will be recorded and may be monitored".

The Billed Party Preference proposal poses a security threat to the Department, and would allow offenders to have further avenues available in committing or concealing their fraud-by-telephone activities. In spite of the most careful of precautions, some offenders do commit criminal activity from within the institution, with one of the most prevalent criminal activities being telephone fraud. Without the specialized offender-only telephones, greater supervision by correctional staff would be required each time an offender uses the telephone. The areas which would be placed at risk or jeopardized include the ability to block calls to specific numbers which prevents or reduces

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August 21, 1992  
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harassing calls; providing collect-only calling which prevents or reduces fraud or other criminal activity; providing the ability to block service from a particular telephone which assists in maintaining security; providing a real time call detail and special reports which assists in detection and prevention of criminal activity; providing the capability to listen and/or record which assists institutions in detection and prevention of criminal activities; and announcing the calling party and the facility from which the call is placed which ensures that the called party is informed before accepting calls and is mandated in Washington State law.

There is significant federal precedent to support excluding offender telephone services from Billed Party Preference. It was specifically excluded from the Telephone Operator Consumer Services Improvement Act of 1990 (TOCSIA), passed by Congress. The Act requires that all payphones allow callers to be able to reach the long distance carrier of their choice by dialing access codes.

Correctional facilities are unique and the Department would like the Federal Communications Commission to continue to recognize the difference. A correctional facility is a controlled environment, not like public areas, where, for example, public telephones may be available. Further, a correctional system must balance a number of needs in providing service, including maintenance of security and assisting in preventing criminal activity by blocking telephone numbers to prevent harassment, fraud, and other crimes. The system must also provide offenders with reasonable access to telephone and people they must contact, including family and attorneys. The system does require specialized telephone system applications.

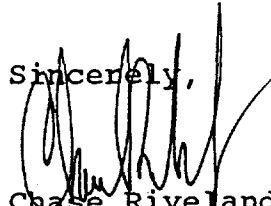
In addition, the loss of commissions, which are put in the Offender Welfare Fund and used only for offenders, would severely curtail the level of services currently being provided to the offender population.

Finally, correctional facilities must be able to manage offender telephone services in order to provide security and safety to staff, offenders, and the public at large. I therefore

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respectfully request your support in exempting offender telephone services from the proposed Federal Communications Commission rules, no matter what other decisions are decided in this rulemaking.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chase Riveland', written over the word 'Sincerely,'.

Chase Riveland  
Secretary

CR:prh

cc: John King, Director  
Division of Management and Budget  
Patria Robinson-Martin  
Assistant to the Secretary